

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC., :
: :
Plaintiff, :
: :
v. : Civil Action No. 04-901-JJF
: :
ILLUMINA, INC., :
: :
Defendant. :
:

O R D E R

WHEREAS, Plaintiff, Affymetrix, Inc. has requested a change in the Markman Hearing date.

WHEREAS, the Court understands the Defendant does not agree with the request;

WHEREAS, no undue prejudice is alleged by Defendant;

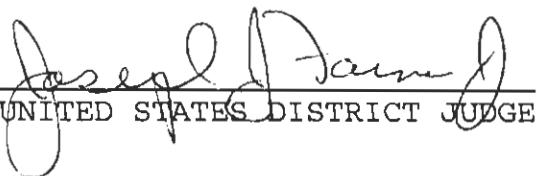
NOW THEREFORE, IT IS HEREBY ORDERED that:

1) The Markman Hearing scheduled for March 8, 2006 at 10:00 is **CANCELLED**.

2) The Court will move the hearing to either March 29, 2006 or April 19, at the parties' agreed upon convenience.

3) So that the parties experts will have the benefit of the Court's claim construction, the expert report due date will be moved to twenty (20) days after receipt of the Court's claim construction order.

February 9, 2006
DATE


UNITED STATES DISTRICT JUDGE